

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Jonathan Daniel Smith,

Plaintiff,

v.

Robin Souvenir, *et al.*,

Defendants.

Case No. 3:19-cv-05838-RSL-TLF

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Judge Theresa L. Fricke, United States Magistrate Judge, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation;

(2) Defendant's motion for summary judgment (Dkt. 71) is GRANTED; plaintiff's Fourteenth Amendment claim against Tony Kimball for failure to protect—the only remaining claim in this case—is DISMISSED WITHOUT PREJUDICE for failure to exhaust administrative remedies;

(3) The Court has previously dismissed all claims against defendant Darren Carlson without prejudice and all of plaintiff's remaining claims with prejudice (Dkts. 69, 70); accordingly, plaintiff's complaint is DISMISSED and this case shall be closed; and

1 (4) Plaintiff's *in forma pauperis* status is REVOKED in the event of any appeal.

2 Dated this 25th day of October, 2021.

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6 Robert S. Lasnik
United States District Court Judge
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